

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
JANUARY 15, 2013**

Place: Room 119, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Conze, Cameron, Voigt, Cunningham, DiDonna

STAFF ATTENDING: Ginsberg
Channel 79

Mr. Conze opened the meeting and read the first agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding Coastal Site Plan Review #138-D, Flood Damage Prevention Application #140-D, Land Filling & Regrading Application #283, Gavin & Melissa Baiera, 26 Shipway Road. Proposing to construct a pool, and related pool terrace; install pool equipment and rain garden, and perform related site development activities within regulated areas. The subject property is located at the north side of Shipway Road, approximately 300 feet east of its intersection with Plymouth Road, and is shown on Assessor's Map #57 as Lot #43, in the R-1 Zone. *HEARING OPENED 10/23/2012 AND WAS CONTINUED TO 11/20/2012 AND 1/15/2013 AT APPLICANT'S REQUEST.*

Rob Frangione, PE, was present on behalf of the property owner. He noted that the subject property is a little less than two acres in size but due to its irregular shape and the presence of wetlands, there is very limited usable land on the property. He noted that the Zoning Board of Appeals (ZBA) approved a variance for this pool on January 9, 2013 and the plan approved by the ZBA is the one being shown to the Planning & Zoning Commission this evening. Mr. Frangione noted that the Zoning Board of Appeals had denied his initial variance request with the pool turned 90 degrees. The pool is now 41 feet from the west property line, and the pool and patio will be at grade. The patio will be slightly pitched towards the proposed rain garden to the southeast. They have done a test pit to ensure that the rain garden will work. Mr. Frangione summarized by noting that there is no adverse impact to adjacent property owners. Mr. DiDonna asked about any proposed pool fence. In response to that question from Mr. DiDonna, Mr. Frangione said that the Zoning Board of Appeals granted a variance for Section 364 regarding pool fence height. He then showed the location of proposed pool fence on the submitted plan Sheet S1 last revised 1/10/13. Mr. Frangione suggested a condition of approval whereby he can provide any fence details to Planning & Zoning Commission staff. In response to a question from Mr. Cunningham, Mr. Frangione noted that the air conditioning units, which are now present on site will be removed as there is now a geothermal heating system on site. Mr. Frangione said that pool equipment needs to be elevated to be at or above the base flood elevation, but the pool does not.

Mr. Conze asked Mr. Ginsberg if there were any comments from DEEP or other Town departments to be considered; Mr. Ginsberg responded that there were none. Mr. Conze then asked if there were any members of the public present to comment on this application and there were none. There

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING/
JANUARY 15, 2013
PAGE 2 OF 9

being no other comments or questions from Commission members, Mr. Voigt made a motion to close the Public Hearing on this matter. That motion was seconded by Mrs. Cameron, and was unanimously approved.

At about 8:15 P.M., Mr. Conze then read the next agenda item:

Continuation of Public Hearing regarding Amendment of Subdivision Application #602, Nastro/Blair, 360, 362, 366 Brookside Road. Public Hearing regarding the Commission's October 2, 2012 approval of a proposed modification of previously approved subdivision, by eliminating a shared driveway; and the subsequent October 6, 2012 letter from Attorney Robert F. Maslan, Jr. on behalf of the Lowmans. *PUBLIC HEARING ORIGINALLY OPENED ON NOVEMBER 20, 2012.*

Attorney Amy Zabetakis of Rucci Law Group was present on behalf of the Blairs and Nastos, and updated the Planning & Zoning Commission on the status of the application. She said that this past fall the Planning and Zoning Commission did approve an amendment of the subdivision for the driveway after it had been presented at a General Meeting. In response to a concern from the neighbors, the Lowmans, a public hearing was held. She noted that she had forwarded a letter on January 14, 2013 as did Attorney Robert Maslan, representing the Lowmans. Ms. Zabetakis believed that it is not appropriate for the Planning & Zoning Commission to weigh in on the question of law between the neighbors. The Planning and Zoning Commission must look at its own Subdivision Regulations. She noted that there is now an approved subdivision and she believed that the easement/restriction is not enforceable by the Lowmans. She stated that there is no restrictive covenant, open space restriction, or other restriction on a driveway in this location.

In response to a question from Mr. Conze, Mr. Ginsberg confirmed that no written comments had been received from Town Counsel. Mrs. Cameron noted that she has concern about amending the original subdivision approval, and "second-guessing" prior Planning and Zoning Commissions. Ms. Zabetakis disagreed with Mrs. Cameron about amendments to subdivisions. Ms. Zabetakis said that it would not be fair to determine Mrs. Lowmans intent when she subdivided.

Ms. Zabetakis explained that the Planning & Zoning Commission approved the amendment to the subdivision in October 2012 at a General Meeting. Mr. Maslan then sent a letter requesting a public hearing. The Planning & Zoning Commission then held a Public Hearing on this matter in November 2012. She in fact noted that Mr. Hutchison voted to amend the subdivision at the General Meeting in October 2012. She added that the original subdivision approval required keeping a specific line of trees near the south property line and those trees have been retained. Mrs. Cameron noted that she was on the Environmental Protection Commission (EPC) when this subdivision was approved. Mr. Conze noted his desire to postpone this, and to hear from Town Counsel about some of the legal aspects of this request.

Attorney Robert F. Maslan, Jr. then spoke. He noted that he was present representing John and Polly Lowman, who live to the north of this proposed driveway. He explained that when the subdivision was approved, there was a deliberate effort by the Lowman family to ensure that there was no driveway near the Lowman property line. This was part of what the Planning and Zoning Commission considered when deciding the original subdivision application. Mr. Maslan referred to

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING/
JANUARY 15, 2013
PAGE 3 OF 9

a recent subdivision amendment he had submitted for 1 Musket Lane, which was eventually withdrawn. He confirmed that the Planning & Zoning Commission does not enforce private covenants as a general rule. He referred to a court case in his letter which, he argued, held that when that the Subdivision Regulations allow for cognizance of such, then the Planning & Zoning Commission can take such a covenant into account. He noted for the record that the Lowmans do object to this proposed driveway and they do not consent to the driveway. He believed that there was a restrictive covenant that went with the driveway which has been filed in the Darien Land Records in Volume 1151, Page 382. He then read aloud a portion of said restrictive covenant. He believed that this should be upheld unless everyone in the subdivision consents to an amendment of the original subdivision.

Mr. Cunningham wondered whether a circular driveway could be constructed. Mr. Voigt then asked how many curb cuts were originally approved as part of the original subdivision. Mr. Maslan said just one, and then reviewed the approved subdivision with the Commission. He showed the shared driveway near the southern property line, which is a little wider than a typical driveway because it is shared. He then pointed out the properties that are owned by both the Nastros and the Blairs and he mentioned that the subdivision map has been filed in the Darien Land Records. Mr. DiDonna confirmed that the driveway easements run with the land.

Mr. Maslan responded that this is considered a common plan of development. Mr. Cunningham again asked about where driveways could be installed by property owners. Mr. Maslan noted that as part of the original subdivision, the Planning & Zoning Commission approved four curb cuts for the subdivision. Mrs. Cameron wondered whether the original subdivision accounted for access to those rear lots. Mr. Cunningham asked whether the Lowmans sold their rights when they sold the lots. Mr. Cunningham asked whether the area to the south could be two driveways or has to be one shared driveway. Ms. Zabetakis responded that the shared driveway in the south part of the subdivision was to preserve the growth of trees. She added that nothing in the resolution restricts changes to the subdivision in the future. She believed that there is no benefit to the Lowmans of having an easement in the back of their property to the south. The Planning & Zoning Commission should not decide the legal ramifications of the restriction. Ms. Zabetakis believed that Mary Lowman did not give her son greater rights. Mr. Conze then asked when the subdivision was originally approved by the Commission, what the Lowmans owned. Ms. Zabetakis responded that the Lowmans originally owned all five lots. Mrs. Mary Lowman eventually quit claimed the lots to the north. Mr. Conze asked when she sold that lot, did that suggest that maintenance of that open space is gone. Ms. Zabetakis responded that she and Mr. Maslan differ on what the declaration means. The Nastros and Blairs want a separate driveway off Brookside Road for safety reasons. Mr. Maslan then read aloud from Paragraph 1 of the Planning & Zoning Commission approval on this matter and he then read aloud from the restrictive covenant which is filed in the Land Records. Mrs. Cameron acknowledged that as part of this request they are not touching the trees within the restricted covenant area. Ms. Zabetakis also confirmed that there is no change to the existing driveway on the south of the property, and they will continue to maintain those trees.

Mr. Conze wished to consult Town Counsel in this matter, and a motion was then made to continue this matter to January 29, 2013 at 8 P.M. in Room 206 of Town Hall. Ms. Zabetakis granted a

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING/
JANUARY 15, 2013
PAGE 4 OF 9

required extension of time so the hearing can be continued to this date. Mr. Ginsberg then asked for a five minute recess to change audio tapes. At 9 P.M., Mr. Conze then read the next agenda item:

Continuation of Public Hearing regarding Coastal Site Plan Review #278, Flood Damage Prevention Application #310, Land Filling & Regrading Application #284, Justin & Mary Beth Livengood, 12 Cross Road. Proposing to raze the existing residence; construct a new single-family residence with associated septic system; modify the driveways; and perform related site development activities within regulated areas. The subject property is located on the northeast corner formed by the intersection of Cross Road and Hope Drive, and is shown on Assessor's Map #65 as Lot #1, R-1 Zone. *HEARING ORIGINALLY OPENED ON JANUARY 8, 2012.*

Architect Doug VanderHorn was present on behalf of the Livengoods. He explained that the plan is to collect stormwater and pipe it to the salt marsh across the street and then to have it flow through the marsh into Long Island Sound. He noted that Louis Fusco, landscape architect, had submitted a letter for the record in this matter. He explained that the pipe serving the stormwater system has extra capacity. He then submitted an air photo showing the wetland corridors as well as a copy of a color Assessor's Map, and a copy of a map of the Tokeneke Association drainage system, and a contour map of the area. Mr. VanderHorn explained that the pipe has the capacity but the street does not. Mr. VanderHorn confirmed that Sam Fuller of the Tokeneke Association cannot approve these plans, only the full Tokeneke Association Board can approve the plans for this pipe tie in. Mr. Ginsberg confirmed Mr. VanderHorn's representations. Mr. Ginsberg said that he had spoken earlier in the day with both Sam Fuller and Bill Epifano, in separate phone calls; both explained that Mr. Fuller does not have authorization to approve any tie-ins, only the full Tokeneke Association Board does. The Tokeneke Association Board will be meeting next week to review this request. Mr. VanderHorn then explained how other houses are better protected. If they pipe the water behind their houses on the south side of Cross Road, then they will not be impacted by any water from the Livengood property. He noted that the only exception would be hurricanes and other large storms where water is actually coming in from Long Island Sound toward the property. Mrs. Cameron then asked about water quality.

In response to Mrs. Cameron's question, Professional Engineer Peter Finkbeiner of Soundview Engineering explained that he had met previously with Darren Oustafine of Darien Public Works Department about the issue of water quality. In response to Mr. Oustafine's concern, they are proposing water quality catch basins with deep sumps. The front driveway is tied into the catch basin. Mr. Cunningham noted that overall this project will have a net increase of 500 +/- square feet of impervious surface.

Mr. Finkbeiner explained that he provided Attorney Maslan with what he asked for. They have decreased the amount of impervious surface from the original application, which was about 1900 square feet of new impervious surface to below 500 square feet. He believed this was now de minimus from an engineering standpoint. Mr. Finkbeiner explained that other mitigation efforts will result in a decreased runoff. He described but did not quantify those enhancements: Mr. Finkbeiner explained that there is now no co-efficient of runoff for a compacted lawn, which is what the Livengood's lawn now is, in comparison to the new lawn which will have normal

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING/
JANUARY 15, 2013
PAGE 5 OF 9

absorbancy. They will also be putting in flat grass terraces and including a drainage layer beneath the proposed walls.

Mr. Finkbeiner explained that there are now two separate drainage systems in the street. Regarding the system to the west, Mr. Moynahan presented testimony at the last hearing noting that this does not flood. The other system is to the east. Mr. Finkbeiner explained that under existing conditions, most of the Livengood property has its surface storm waters flowing to the east. As part of this application, runoff would be re-directed to the west where there is capacity. Mr. Finkbeiner said that the town noted there are two 24 inch pipes, a 12 inch pipe comes in and an 18 inch pipe goes out. There are two separate systems. Mr. DiDonna noted that he used to be President of the Tokeneke Association. He explained that the two catch basins are on Tokeneke Association property. The plan relies on those two catch basins to a great measure. Mr. VanderHorn added that the water quality catch basins proposed are on the Livengood property. He explained that based on pipe sizes, capacity exists for these Tokeneke Association catch basins. Mr. Voigt asked whether a new pipe would be going to the existing catch basin; Mr. VanderHorn responded that it would be. Mr. DiDonna asked how Mr. Finkbeiner knows this new system will work. Mr. Finkbeiner responded that the larger pipe is now underutilized. He said that the capacity is there. However, some maintenance needs to take place. Mr. VanderHorn said that they could agree to dye test to ensure that the system works and is flowing. Mr. Finkbeiner said most rain water now contributes to an overburdened pipe system and he believed that this is the best approach for the stormwater. Mr. VanderHorn said that the Livengoods accept the possibility of the need to upgrade the Tokeneke Association drainage system. Mrs. Cameron added that she visited the Huebsch property when she was an EPC member and she noted that existing underground water may contribute to the problems in the area.

Mr. Conze confirmed that the applicant is redeveloping an existing developed site. There is about 500 +/- square feet new impervious surface. They are scrubbing water and ensuring that adequate connections exist. He believed that the applicants are doing a good job at minimizing the impact and he is satisfied with their proposal.

Attorney Robert F. Maslan Jr. was present on behalf of Huebschs and Hoopers at 17 Cross Road, as well as Jack Moynahan who also lives on the south side of Cross Road. Mr. Maslan then submitted a January 15, 2013 letter and associated photographs. He asked what the capacity of the existing stormwater system is; and whether the Tokeneke Association will consent to connection to this system. He noted that the existing discharge is now onto the Huebsch property at 17 Cross Road. He requested that the Commission continue the Public Hearing to allow a formal action by the Tokeneke Association Board on this drainage connection. He noted that various e-mails had been received from Darren Oustafine at the Darien Public Works Department. He also believed that vegetation does not drink up surface water, but rather ground water. In response to Mr. Maslan's request, and in order to allow the Tokeneke Association Board to act on the connection request, the Commission then agreed to continue the Public Hearing on this matter to January 29, 2013 at 8 P.M. in Room 206 of Town Hall.

At 9:40 P.M., Mr. Conze then read the first General Meeting agenda item:

GENERAL MEETING

Amendment of Site Plan #253/Coastal Site Plan #227, Weed Beach, 155 Nearwater Lane.

Request to allow temporary storage and canopy within regulated areas, due to Storm Sandy damage.

Mr. Ginsberg summarized the letter received from Susan Swiatek dated January 11, 2013, requesting temporary improvements to Weed Beach which were necessitated by recent Storm Sandy. He noted that the temporary storage container, canopy, and storage racks will be installed at the beach for the 2013 sailing season. This will allow time for the Park & Recreation Department to determine a more permanent solution for this situation. It was noted that the area where the trailer and the canopy are to be placed are now sand, and some extra sand has been pushed there by the storm. Mrs. Cameron made a motion to approve this temporary solution at Weed Beach. That motion was seconded by Mr. Voigt, and approved by a vote of 5-0.

Mr. Conze then read the following agenda item:

Business Site Plan #258, Kleban Day Street LLC, 1015 Boston Post Road, CBD Zone.

Request for Massage Envy as a first floor tenant in the 1015 Boston Post Road building now under construction.

Attorney Amy Zabetakis explained that she had submitted a letter dated January 14, 2013 regarding this matter. Mr. Conze noted that an e-mail was also received from Robert F. Maslan, Jr. representing the neighboring property owner, David Genovese. Ms. Zabetakis noted that the Zoning Permit, a tenant fit-out Massage Envy, was denied by the Zoning Enforcement Officer. Mrs. Cameron explained that she watched the DVD of the last meeting on this matter, and she said that she has a huge concern about the parking sufficiency. She explained that the tenant is asking to take up more parking than is available; she asked Ms. Zabetakis if there is any way to limit the parking for this tenant. Ms. Zabetakis explained that limiting the amount of parking available to this tenant would not be appropriate. Mrs. Cameron responded that this will be an issue for everyone who parks in this area, and customers for Massage Envy will stay for a while, rather than quickly moving in and out of the store. She asked whether the size of Massage Envy could be scaled back. Ms. Zabetakis explained that this first floor space was approved for retail use by the Commission. Mrs. Cameron said that the traffic report which was originally submitted refers to retail. She also noted that there can be no designated parking for the residents who live above the retail space. Ms. Zabetakis said that Massage Envy may have up to 12 rooms available at one time. Mrs. Cameron then asked whether the Commission could limit future development on the back parcel. Mr. Ginsberg said that the Commission must determine if Section 903.3 or 1022 applies here. Mr. DiDonna then read aloud Section 903.3 of the Darien Zoning Regulations. He said that the proposed Massage Envy use is certainly more intense than originally proposed by the applicant. The original proposal did not give details. He said it is a more intense use than originally envisioned. Mr. DiDonna said that the original approval was a blank space or could be considered incomplete. He added that originally, the applicant did not know for sure what would go there. This is a 7 days a week, up to 12 hours a day proposed use. Page 4 of the submitted traffic study was then refereed to. Mr. DiDonna said that the traffic study's author, Mr. Adler, made a distinction between retail and personal service use. Therefore, in his mind, there is a difference.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING/
JANUARY 15, 2013
PAGE 7 OF 9

Mrs. Cameron added that putting Massage Envy in the front tenant space would be a disservice to everyone. Ms. Zabetakis responded that she does not share that opinion.

Mr. Voigt said that he was not on the Planning & Zoning Commission when this project was approved in 2008. However, he has read through the record in this matter and he believes the 2008 representations were clear. The Planning & Zoning Commission there had relied on evidence presented at that time and parking was central to what was discussed then. In the November 16, 2012 letter from Ken Kleban, 8 therapy rooms were mentioned. Ms. Zabetakis clarified by noting it was 8 massage rooms and 4 rooms for facials. Mr. Voigt continued by noting that there was also a quiet area shown (9 seats) and a waiting room (3 seats). The representation in the November 16, 2012 letter was that there were 8 massage therapy rooms. In the December 28, 2012 letter from Amy Zabetakis, 12 massage therapy rooms were described. Ms. Zabetakis responded that they will get that straight. She said that there is no traffic study on this use. She asked whether there was any basis for the Planning & Zoning Commission to review and modify the resolution. Mr. Voigt explained that there are inconsistencies between the November Kleban letter, the December Zabetakis letter, and what is being described tonight, and that he believed that the Planning & Zoning Commission does have a right to review this, as the intensity is certainly different. Ms. Zabetakis responded that in its approval, the Planning & Zoning Commission did not specify the use. The owner, Mr. Kleban, purchased this property reliant on that Commission approval. Mr. Ginsberg said that the Zoning Permit for the tenant fit-out was submitted to the Planning & Zoning Commission office on December 23, 2012. Mrs. Cameron noted that Mr. Orlando had originally applied to the Commission. Mr. Ginsberg stated that Section 903.3, Section 905, and Section 1022 of the Zoning Regulations all apply in this case. Mr. DiDonna said that representations made to the Commission clearly differed over time.

Mr. Ken Kleban, current owner of the property, explained that he also owns the Brook Brothers building on the other side of Day Street. He said that they are concerned, but this is in keeping with the Zoning Regulations. He noted that when the November 16, 2012 letter was written, the floor plan was not yet done. There will be 8 massage rooms and 4 rooms for facials. Facials are primarily for those getting massages. A facial will take a half an hour, and a massage is usually 50 minutes. He explained that 40% of the Massage Envy customers are men. Mrs. Cameron said that this is an intense use. Mr. Kleban mentioned that all employees will park in the Mechanic Street, Town-owned parking lot. He cannot distribute those parking passes yet, as he needs license plate numbers for the vehicles of the employees. Mr. Ginsberg then asked whether the Planning & Zoning Commission is acting under the Sections of the Regulations he mentioned previously, or if proceeding under Condition P of the Adopted Resolution. Mrs. Cameron said that she has an issue with the intensity of the proposed use. Ms. Zabetakis said that the Planning & Zoning Commission needs to be clear in its Resolution exactly what is being approved. Mr. Voigt said that what was presented by Mr. Kleban in November 2012 was smaller and a less intense use than what is before Commission now. Mr. Kleban said that there are 875 Massage Envy franchises, and the closest one to Darien would be in Stamford. Mrs. Cameron reiterated that this is too intense of a use. Mr. Voigt then asked about the back building.

Mr. DiDonna believed that the 2008 traffic report submitted by Adler is totally irrelevant to the new proposed use. Ms. Zabetakis disagreed that it is misleading, as the report discussed average time.

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING/
JANUARY 15, 2013
PAGE 8 OF 9

Mrs. Cameron said that there is no turnover with Massage Envy, since each client is likely to be there for at least 50 minutes. Mr. Conze said that the original traffic study was based on retail use, and the Planning & Zoning Commission granted extensions of the Site Plan due to the economic situation. The Commission has always thought of this site as retail. A personal service use is not retail and he has a sense of betrayal. He believed that the Zoning Regulations are being used against the Commission in this case. He believed that if the Commission were more specific this would not have happened, and he said the Commission will be more specific in the future and have no grace for proposed tenants. Mr. Cunningham then made a motion to approve the tenant as proposed. There was no second of that motion.

Attorney Robert F. Maslan, Jr. was present representing the neighboring property owner, David Genovese. He then referred to his letter which had recently been submitted to the Commission. He said in his opinion, it was made quite clear that the traffic consultant drew a distinction between retail and personal service use. He said it is unclear to him whether this request before the Commission tonight is to amend the previous site plan or to allow this specific tenant. He said he would like to request a Public Hearing be held on this matter. Ms. Zabetakis said that she did appeal Zoning Enforcement Officer David Keating's letter to the Zoning Board of Appeals.

Mrs. Cameron then made a motion to deny the tenant because it is too intense and was different than what was presented in 2008. She said clearly this use was not what was considered, and the use and intensity has changed. This type of retail use is too intense. There was no second to that motion.

Mr. Cunningham then made a motion to approve the tenant. Mr. Voigt seconded that motion. The motion to approve the tenant, based upon the submitted information, was a vote of 2 in favor (Cunningham, Conze) and 3 opposed (Cameron, Voigt, DiDonna); therefore, the tenant was not approved.

At about 10:50 P.M., Mr. Conze then read the next agenda item:

Business Site Plan Application #24-T/Special Permit, JoyRide Darien, LLC, 25 Old King's Highway North. Request to modify December 11, 2012 approval to clarify one Condition of approval.

Mr. Ginsberg summarized the email received from Robert F. Maslan, Jr. on behalf of the proposed tenant, JoyRide. Mr. Ginsberg noted that it was clear from the submitted site plan and other details that the spin room would have at least 35 bicycles and the adjoining room for yoga, pilates or other similar uses would accommodate at least 15. Therefore, it is suggested that there be a maximum of 50 clients allowed at any one time, and the specific limit of 20 in the afternoon be deleted. Mrs. Cameron made a motion to amend Condition C of the Adopted Resolution accordingly. Mr. DiDonna seconded that motion, which was approved by a vote of 5-0.

Mr. Conze read the next agenda item:

PLANNING & ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING/
JANUARY 15, 2013
PAGE 9 OF 9

Amendment of Special Permit Application #79-D, Darien Nature Center, Brookside Road within Cherry Lawn Park. Request for Farmer's Market on a temporary basis in coordination with current exhibit at the Nature Center.

Mr. Ginsberg summarized the email received from Lynn Hamlen, Executive Director of the Darien Nature Center. He noted that they are now having a special exhibit at the Nature Center on art work entitled "Farmer's Market." Mr. Ginsberg believed that under normal circumstances, a farmers market would not be allowed in a residential zone; however, in this case, as a nice complement to the ongoing art exhibit, he believed that amending the Nature Center Special Permit to allow a Farmer's Market one day per week for a limited time would be appropriate. Lynn Hamlen explained that the farmers would only have indoor sales and all activity would be kept within the Darien Nature Center building. This would start on January 30 and it is for once per week until March. It is a short term activity. Mr. Conze confirmed that this would be related to the ongoing Nature Center exhibit program. He then said that Mr. Ginsberg noted that the Darien Nature Center now has a Special Permit. Mr. Conze said that that could be redrafted to include allowing a Farmer's Market there on Wednesday's for a six week period. Mrs. Cameron made a motion to approve this amendment of the Special Permit described herein (limited number of farmers, all activity indoors, only occurring from January through March for a six week time frame on Wednesdays). That motion was seconded by Mr. DiDonna, and approved by a vote of 5-0.

There being no further business, the meeting was then adjourned at 11 P.M.

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director

01.15.2013.min